

comparing the chest pain patient treatment information collectively for said plurality of patients to predetermined values to evaluate the treatment received by said plurality of chest pain patients; and

C3 reporting the comparison of the chest pain patient treatment information for said plurality of patients to the predetermined values, to evaluate the treatment received by said plurality of chest pain patients so that the medical facility is able to improve its treatment of future chest pain patients.

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### REMARKS

Claims 1-11 were pending in the application. Claims 1 and 5 have been amended. As a result of the foregoing amendment, claims 1-11 are currently pending in the application. Applicant hereby requests further examination and reconsideration of the application in light of the amendment.

The objection to the specification for failing to provide proper antecedent basis for the claimed subject matter and the rejection of claim 4 under 35 USC 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time the application was filed are respectfully traversed. The Examiner stated that the specification failed to disclose the "means responsive to the reported comparisons for allocating staff resources in a medical facility" as recited in claim 4. Contrary to the Examiner's position, the "means responsive to the reported comparisons for allocating staff resources in a medical facility" is disclosed. See page 7, lines 9-11, which is a description of the data processing system of the present invention. The description on page 7, lines 17-21 relates to the data processing method of the present invention. The data processing

system is further described at page 8, line 1 to page 10, line 15. Therefore, the specification and claim 4 meet the requirements of 35 U.S.C. §112, first and second paragraph.

Claims 1-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Selker. Claims 9-11 were rejected under 35 U.S.C. 103 as being unpatentable over Selker. Applicant respectfully traverses both of these rejections.

Selker is directed to a system that is actively attached to a patient. (See Selker Column 3, lines 51-60, for example). In other words, in Selker the patient is evaluated and treated in accordance with the invention, live, at that time, while the patient is experiencing chest pain. Selker's invention plays an important role in the immediate treatment of a chest pain patient. Selker's invention is used in real time to treat patients. Selker's invention is a real time treatment device. Selker's invention is very different from the present invention in that the present invention is not a real time patient treatment device.

The present invention relies on the data from a plurality of patients, collectively processes that data and compares it to previously gathered data, and it is later used to improve the care given to future patients. The independent claims have been so amended. Selker does not teach or suggest collectively processing a plurality of patient treatment information to benefit future patients. Selker is addressing the patient who is present at the moment Selker's device is used, not future patients. Selker's device even attaches to the patient as it functions. Furthermore, Selker does not teach a collective analysis of patient information.

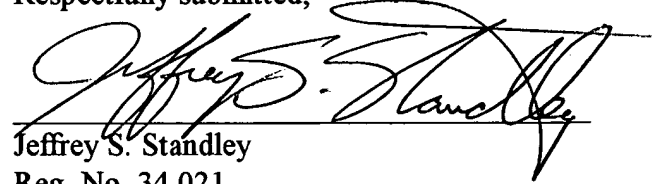
#### CONCLUSION

Applicant has distinguished claims 1-11 over the cited art. Therefore, it is respectfully requested that these claims be allowed, and this case passed to issue upon payment of the appropriate

fees. The Examiner is encouraged to contact the Applicant's attorney at the telephone number below to help expedite this application.

Respectfully submitted,

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